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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,314	08/25/2000	Andrej Gregov	249768045US	6403
25096	7590	11/16/2004		
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER LEROUX, ETIENNE PIERRE	
			ART UNIT 2161	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/648,314	Applicant(s) GREGOV ET AL.	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15,16 and 27-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15,16 and 27-35 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Status:

Claims 1-14, 17-20, 25, 26 are cancelled. Claims 21-24 and 36-39 are withdrawn.
Claims 15, 16 and 27-35 are pending. Claims 15, 16 and 27-35 are rejected.

Withdrawal of previously indicated Allowable Subject Matter

Upon further consideration, the following new grounds of rejection are presented in this Office action in view of newly found prior art references and in view of giving claim language its broadest reasonable interpretation.

Finality Withdrawn.

Newly found prior art references have necessitated the following new grounds of rejection and therefore, the finality of the previous Office action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 15, 16, 27-31 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,313,745 issued to Suzuki (hereafter Suzuki).

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Claim 15:

Suzuki discloses:

- displaying a plurality of item indications each indicating an item [item information section 116, Fig 10]
- receiving user input selecting [button designated - view recommendations, Fig 10, 120] one or more of the displayed item indications
- selecting as seed items [items in area 116 of Fig 10] the items indicated by the selected item indications
- generating a list of recommended items using the selected seed item [recommended items 118, Fig 10],
- displaying the generated list of recommended items [recommended items 118, Fig 10], where the item indications are selected by a distinguished user having a user profile containing item ratings each for a rated item, and wherein none of the set of seed items is a rated item having a rating in the user profile [seed items are not in the user profile because the user has not purchased the items brought into the fitting room nor has the user completed a survey, col 6, lines 51-60, Fig 5]

Claim 16:

Suzuki discloses:

- displaying a plurality of item indications each indicating an item [item information section 116, Fig 10]
- receiving user input selecting [button designated - view recommendations, Fig 10, 120] one or more of the displayed item indications

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- selecting as seed items [items in area 116 of Fig 10] the items indicated by the selected item indications
- generating a list of recommended items using the selected seed item [recommended items 118, Fig 10],
- displaying the generated list of recommended items [recommended items 118, Fig 10], where the item indications are selected by a distinguished user having a user profile containing item ratings each for a rated item, and wherein none of the set of seed items is identified in the user profile as an item purchased by the user [seed items are not in the user profile because the user has not purchased the items brought into the fitting room, col 6, lines 51-60, Fig 10].

Claim 27:

Suzuki discloses:

- for each of a plurality of groups of one or more products, displaying information describing products in the group [item information section 116, Fig 10],
- for each of at least a portion of the plurality of product groups, displaying in conjunction with the information describing products in the group, a control [button designated - view recommendations, Fig 10, 120] for selecting products in the group as recommendation seed, when a displayed control is selected by a user,
- adding to a list of recommendation seeds products in the group in conjunction with which the selected control is displayed, so that the list of recommendation seeds contains products in the groups whose controls are selected by the user [recommended items 118, Fig 10].

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Claim 28:

Suzuki discloses generating a product recommendation based upon the list of recommendation seeds [recommended items 118, Fig 10].

Claim 29:

Suzuki discloses wherein the information displayed for a distinguished one of the product groups describes a product category containing products in the distinguished group [Fig 10, 115].

Claim 30:

Suzuki discloses wherein the information displayed for a distinguished one of the product groups describes a product genre containing products in the distinguished group [Fig 5, 40, col 6, lines 51-59].

Claim 31:

Suzuki discloses wherein a distinguished one of the product groups comprises a single product, and wherein the information displayed for the distinguished product group describes the product that comprises the product group [inherent in Fig 10 because a shopper may enter only a single item].

Claim 34:

Suzuki discloses wherein the control displayed for a distinguished product group is a button that is selected by the user by clicking the button [Fig 10, 120].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of US Pat No 5,872,850 issued to Klein et al (hereafter Klein).

Claim 32:

Suzuki discloses the elements of claim 27 as noted above. Suzuki fails to disclose wherein a distinguished one of the product groups comprises products that are recordings of a single artist, and wherein the information displayed for the distinguished product group describes the artist. Klein discloses wherein a distinguished one of the product groups comprises products that are recordings of a single artist, and wherein the information displayed for the distinguished product group describes the artist [col 28, lines 5-19]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki to include wherein a distinguished one of the product groups comprises products that are recordings of a single artist, and wherein the information displayed for the distinguished product group describes the artist as

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taught by Klein for the purpose of obtaining a music recommendation [col 28, line 30]. The skilled artisan would have been motivated to improve the invention of Suzuki by increasing the commercial potential of the invention by making it applicable to a music store.

Claim 33:

Suzuki discloses the elements of claim 27 as noted above. Suzuki fails to disclose wherein a distinguished one of the product groups comprises products that are books written by a single author, and wherein the information displayed for the distinguished product group describes the author. Klein discloses wherein a distinguished one of the product groups comprises products that are books written by a single author, and wherein the information displayed for the distinguished product group describes the author [col 28, lines 5-19]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki to include wherein a distinguished one of the product groups comprises products that are books written by a single author, and wherein the information displayed for the distinguished product group describes the author as taught by Klein for the purpose of obtaining a literary recommendation [col 28, lines 5-19]. The skilled artisan would have been motivated to improve the invention of Suzuki by increasing the commercial potential of the invention by making it applicable to a bookstore.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of US Pat No 5,897,650 issued to Nakajima et al (hereafter Nakajima), as best examiner is able to ascertain.

Claim 35:

Suzuki discloses the elements of claim 27 as noted above. Suzuki fails to disclose wherein the control displayed for a distinguished product group is a draggable portion of the information describing the product group, together with a destination region, and wherein the control displayed for the distinguished product group is selected by the user by dragging the draggable portion of the information describing the product group to the destination region. Nakajima discloses wherein the control displayed for a distinguished product group is a draggable portion of the information describing the product group, together with a destination region, and wherein the control displayed for the distinguished product group is selected by the user by dragging the draggable portion of the information describing the product group to the destination region [Fig 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki to include wherein the control displayed for a distinguished product group is a draggable portion of the information describing the product group, together with a destination region, and wherein the control displayed for the distinguished product group is selected by the user by dragging the draggable portion of the information describing the product group to the destination region as taught by Nakajima for the purpose of creating a scrap book via the drag-and-drop mechanism [step 30 in Fig 23]. The skilled artisan would have been motivated to improve the invention of Suzuki such that information can be easily inputted and outputted from a document via the drag-and-drop mechanism.

Response to Arguments

Applicant's arguments filed 9/15/2004 have been fully considered but they are moot based on above new grounds of rejection. Upon further consideration, the above new grounds of

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rejection are presented in this Office action in view of newly found prior art references and the broadest reasonable interpretation of the claims. Examiner presents above new grounds of rejection over Suzuki because Suzuki discloses a system generated list of recommended items based on seed items which are not in a user's profile as defined by Applicant. In the specification, Applicant defines user profile as consisting of one or both of: (1) items which were previously purchased by the user, and (2) items which are included as a result of the user completing a survey.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4023. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Etienne LeRoux

11/9/2004



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